

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MAURICE ERBY #164580,

Plaintiff,

V.

LYNNE PHILLIPSON, et al.,

Defendants.

Case No. 2:05-cv-154

HON. ROBERT HOLMES BELL

JUDGMENT

In accordance with the Opinion filed this date:

IT IS HEREBY ORDERED that Plaintiff's action be **DISMISSED** without prejudice for lack of exhaustion of available administrative remedies as required by 42 U.S.C. § 1997e(a).

For the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Date: September 16, 2005

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

CHIEF UNITED STATES DISTRICT JUDGE